IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 23270 of 2005(T)

PETITIONER: PETITIONERS

1. ANTONY K.F., S/O.SRI.FRANCIS K.K., AGED 48 YEARS
   SENIOR ACCOUNTS OFFICER, BSNL, THRISSUR,
   RESIDING AT KANJIRATHINKAL HOUSE,
   DEVI KSHETHRAM ROAD, ECTHURUTH, THRISSUR-11.

2. HEROSHMY K., D/O.THE LATE K.K.KARTHA, AGED 48 YEARS
   SENIOR ACCOUNTS OFFICER, BSNL, THRISSUR,
   RESIDING AT KIZHUVEETTIL HOUSE, TIRUR,
   MULANKUNNATHUKAVU PO., THRISSUR-680 581.

3. T.RAMANATHAN, S/O.THE LATE C.V.VISWANATHAN NAIR,
   AGED 50 YEARS, CHIEF ACCOUNTS OFFICER,
   BSNL, PALAKKAD, RESIDING AT 'ATHIRA',
   AMBIKA NAGAR, AKATHETHARA, PALAKKAD-678 008.

4. MURALIDHARAN T.K., S/O.THE LATE K.BALAKRISHNA MENON,
   SR.ACCOUNTS OFFICER, BSNL,
   ERNAKULAM, RESIDING AT 'HARIPRIYA',
   NEAR GOVT.HIGH SCHOOL, KADUNGAMANGALAM,
   THIRUVAMKULAM.

5. JOSEPH K.T., S/O.THE LATE K.L.THOMMAN,
   AGED 54 YEARS, CHIEF ACCOUNTS OFFICER, BSNL, KOTTAYAM,
   RESIDING AT KUMUMKULATH HOUSE, SRM ROAD,
   PACHAM, KOCHI -- 682 012.

6. PURUSHOTHAMAN P.D., S/O.THE LATE
   DAMODARAN P.T., SR.ACCOUNTS OFFICER, BSNL,
   THRISSUR, RESIDING AT FLAT NO.C-1,
   'SOUHRIDA' APARTMENTS, KANNANKULANGARA,
   THRISSUR-680 007.

7. V.C.MATHEWS, S/O.V.M.CHACKO,
   SR.ACCOUNTS OFFICER, CIRCLE TELECOME STORE DEPOT,
   BSNL, ERNAKULAM, RESIDING AT D-6, TELECOM OFFICERS
   QUARTERS, GANDHI NAGAR, KOCHI - 682 020.

8. BALAN K.K., S/O.THE LATE K.V.KARAPPAN,
   AGED 44 YEARS, SR.ACCOUNTS OFFICER, BSNL, THRISSUR,
   RESIDING AT KODAPPULLY HOUSE, PO KALLUR,
   THRISSUR - 680 317.

9. SURESH KUMAR V.S., S/O.THE LATE K.
SADASIVAN NAIR, AGED 45 YEARS, SR.ACCOUNTS OFFICER, BSNL,
THIRUVANANTHAPURAM, RESIDING AT 'DEVIKRIPA',
V.P.IV/306, VENGANOOR, THIRUVANANTHAPURAM-23.

BY ADV. SRI.O.V.RADHAKRISHNAN (SR.)
SMT.K.RADHAMANI AMMA
SRI.ANTONY MUKKATH

RESPONDENTS:
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1. UNION OF INDIA, REP: BY ITS SECRETARY,
MINISTRY OF COMMUNICATION AND INFORMATION
TECHNOLOGY, DEPARTMENT OF TELECOMMUNICATIONS,
421 SANCHAR BHAVAN, 20 ASHOKA ROAD,
NEW DELHI : 110 001.

2. SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF FINANCE AND COMPANY AFFAIRS,
DEPARTMENT OF EXPENDITURE,
NEW DELHI : 110 001.

3. DIRECTOR (STAFF), DEPARTMENT OF
TELECOMMUNICATIONS, 421, SANCHAR BHAVAN,
20, ASHOKA ROAD, NEW DELHI : 110 001.

4. BHARAT SANCHAR NIGAM LTD., REP: BY ITS
CHAIRMAN AND MANAGING DIRECTOR,
STATESMAN BUILDING, NEW DELHI - 110 001.

5. CHIEF GENERAL MANAGER, BHARAT SANCHAR
NIGAM LTD., KERALA CIRCLE, THIRUVANANTHAPURAM.

6. CHIEF GENERAL MANAGER, BHARAT SANCHAR
NIGAM LTD., SOUTHERN TELECOM REGION, CHENNAI.

(R6 IS DELETED AS PER ORDER DATED 24.3.2006 IN I.A. NO. 4486/06)

7. CHIEF ACCOUNTS OFFICER (FC),
OFFICE OF THE CHIEF GENERAL MANAGER,
BHARAT SANCHAR NIGAM LTD., KERALA CIRCLE,
THIRUVANANTHAPURAM.

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL
SRI.A. DINESH RAO, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: PHOTO COPY OF THE OFFICE MEMORANDUM NO.2-29/2000-RESTG. DATED 30.09.2000 OF THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE CENTRAL CIVIL SERVICES (PENSION) AMENDMENT RULES, 2000 WHICH WAS PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY DATED 30.09.2000.

EXT.P3: TRUE COPY OF THE LETTER NO. BSNL/11/SR-2001 DATED 14.01.2002 ALONG WITH THE OPTION PRO-FORMA AND THE GENERAL TERMS AND CONDITIONS OF THE 4TH RESPONDENT.

EXT.P4: PHOTO COPY OF THE LETTER NO. BSNL/11/SR/2003 DATED 02.09.2003 ALONG WITH ANNEXURES 1 TO IV OF THE 4TH RESPONDENT.

EXT.P5: PHOTOCOPY OF THE REVISED OPTION SUBMITTED BY THE 5TH PETITIONER DATED 25.09.2003.

EXT.P6: PHOTOCOPY OF THE ORDER NO. CCA/KRL/6-67/2003-04/98 DATED 25.02.2004 OF THE 1ST RESPONDENT.

EXT.P7: PHOTOCOPY OF THE OFFICE ORDER NO. 1-5-2004-PAT(BSNL) DATED 18.03.2004 OF THE 4TH RESPONDENT.

EXT.P8: PHOTOCOPY OF THE OFFICE MEMORANDUM F NO.6/82/E.III(B)/91 DATED 28.02.2003 OF THE 1ST RESPONDENT.

EXT.P9: PHOTOCOPY OF THE OFFICE MEMORANDUM NO.4-20-2003-SEA DATED 01.04.2003 OF THE 4TH RESPONDENT.

EXT.P10: PHOTOCOPY OF THE OFFICE MEMORANDUM NO.16-11/2002.SEA (PART I) DATED 07.04.2004 OF THE 4TH RESPONDENT.

EXT.P11: PHOTOCOPY OF THE PAY FIXATION MEMO DATED 22.04.2003 OF THE 1ST PETITIONER.

EXT.P11(I): PHOTOCOPY OF THE PAY FIXATION MEMO DATED 29.03.2004 OF THE 2ND PETITIONER.

EXT.P11(II): PHOTOCOPY OF THE PAY FIXATION MEMO DATED 05.05.2003 OF THE 3RD PETITIONER.

EXT.P11(III): PHOTOCOPY OF THE PAY FIXATION MEMO DATED 05.08.2004 OF THE 4TH PETITIONER.

EXT.PII(IV): PHOTOCOPY OF THE PAY FIXATION MEMO DATED NIL OF THE 5TH PETITIONER.

EXT.P11(V): PHOTOCOPY OF THE PAY FIXATION MEMO DATED 22.04.2003 OF THE 6TH PETITIONER.

EXT.P11(VI): PHOTOCOPY OF THE PAY FIXATION MEMO DATED 02.06.2003 OF THE 7TH PETITIONER.

EXT.P11(VII): PHOTOCOPY OF THE PAY FIXATION MEMO DATED 22.04.2003 OF THE 8TH PETITIONER.

EXT.P11(VIII): PHOTOCOPY OF THE PAY FIXATION MEMO DATED OF THE 9TH PETITIONER.

EXT.P12 : PHOTOCOPY OF THE LETTER NO. 4-44/2004-SEA-BSNL/1 DATED 24.02.2005 OF THE 4TH RESPONDENT.

EXT.P13: PHOTOCOPY OF THE LETTER NO. 78-36/2003-SU DATED 27.10.2004 OF THE 3RD RESPONDENT.

EXT.P14: PHOTOCOPY OF THE O.M.NO.8(1)-E.III(B)/2004 DATED 01.04.2004 OF THE MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE, NEW DELHI.

EXT.P15: PHOTOCOPY OF THE ORDER DATED 02.08.2004 IN O.A. NO. 2519 OF 2003 OF THE PRINCIPAL BENCH OF THE CENTRAL ADMINISTRATIVE TRIBUNAL.

EXT.P16: PHOTOCOPY OF THE ORDER DATED 11.07.2005 IN W.P.(C) NO. 20418 OF 2005 OF THIS HON'BLE COURT.

/True Copy/

P.A to Judge.

V. GIRI , J

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W.P.(C) NO. 23270 OF 2005

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Dated this the 11th day of September, 2007.

JUDGMENT

When the matter came up for further orders, it was represented on both sides that the issue raised in this writ petition is covered by the judgment in W.P.(C) No. 20418/2005. Paragraph 7 of the judgment reads as follows:

> "Accordingly, I dispose of these writ petitions allowing the petitioners to make representations for notional fixation for the period 01.01.1996 to 01.10.2000 with the 3rd and 4th respondents. If such representations are made within one month, the same shall be considered and orders will be passed by the aforesaid respondents, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment and the consequential benefits, if any shall also be released, without delay."

In the circumstances, this writ petition is disposed of allowing the petitioners to make a representations for notional fixation for the period 01.01.1996 to 01.10.2000 before respondents 3 and 4. If such representations are made within one month, the same shall be considered and orders will be passed by the aforesaid respondents within three months from the date of receipt of a copy of this judgment. Consequential benefits, if any, shall also be released without delay.

V. GIRI, JUDGE.

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